

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

RONNIE LEE RUSSELL, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 3:07-CV-379-MEF
	)	[WO]
	)	
FRED WHITE, et al.,	)	
	)	
Defendants.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Ronnie Leon Russell, Jr. ["Russell"], a county inmate, filed this 42 U.S.C. § 1983 action on June 26, 2007. Upon review of the complaint, the court determined Russell made "only the conclusory allegation that the defendants ... subjected him to unfair treatment in the investigation of his criminal case. Thus, the complaint fails to identify factual allegations material to the count lodged against the defendants." *Order of May 7, 2007 - Court Doc. No. 4* at 1. Consequently, the court deemed it necessary that Russell file an amendment to his complaint and therefore entered an order requiring that he undertake such action. *Id.* at 1-2. The court specifically cautioned Russell that his "fail[ure] to comply with the directives of this order" would result in entry of a recommendation "that this case be dismissed." *Id.* at 2. The time allowed Russell for filing an amendment to the complaint in compliance with the directives of the aforementioned order expired on May 22, 2007. As of the present date, Russell has failed to file the requisite amendment. The court therefore concludes that this case should be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to file an amendment to his complaint in

compliance with the order of this court and his failure to properly prosecute this action. It is further

ORDERED that on or before July 23, 2007 the parties may file objections to the Recommendation. Any objection must specifically identify the findings in the Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings in the Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, en banc), adopting as binding precedent all decisions of the former Fifth Circuit issued prior to September 30, 1981.

Done this 9th day of July, 2007.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE